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OFFICE OF PETITIONS

In re Application of :
Kovar et al. : DECISION ON PETITION
Application No. 09/898,379 :
Filed: 5 July, 2001 :
Atty Docket No. 10-342 :
:

This is a decision on the twice renewed petition under 37 CFR 1.137(a),¹ filed on 25 May, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 8 September, 2004, for failure to timely submit a reply to the non-final Office action mailed on 7 June, 2004, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 26 January, 2005. The petition filed on 2 February, 2005, was

¹ A grantable petition under 37 CFR 1.137(a) must be accompanied by:

(1) the required reply, unless previously filed; In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(1);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

dismissed on 18 February, 2005. The renewed petition filed on 18 April, 2005, was dismissed on 13 May, 2005.

The application has been restored to pending status.

The application file is being forwarded to Technology Center Art Unit 2633 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.


Douglas I. Wood
Senior Petitions Examiner
Office of Petitions